

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: March 9, 2000

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0001

PROPOSAL: Sideyard setback Variance to permit an addition to the existing attached garage accessory to an existing single family dwelling. The application also includes a Use Permit to allow an accessory structure taller than 12 feet within the district sideyard setback area.

LOCATION: 9781 Rangeview Drive, Santa Ana – (District 3)

APPLICANT: Greg and Anne Gardner – Property Owner

STAFF CONTACT: Chad Brown, Project Manager
Phone: (714) 834-5144 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services staff recommends Zoning Administrator approval of Planning Application PA00-0001, subject to required findings and suggested conditions of approval.

BACKGROUND:

The subject property located at 9781 Rangeview Drive, unincorporated Santa Ana, on lot 2 of Tract 3193 and is zoned E4 “Small Estates” District. The single story, single-family dwelling with an attached garage was constructed in 1961. The building site is approximately 32,640 square feet in area. The site contains a slope adjacent to the left side property line and is adjacent to a down slope contained on the property to the right of the project site. The existing two-car garage is located on the right side of the property, approximately 25 feet from the right side property line. The existing home is approximately 41 feet from the left property line, 81 feet from the rear property line, and 35 feet from the front property line. The proposed Variance/Use Permit application is limited to the proposed addition to the existing two-car garage that encroaches 9 feet 4 inches into the sideyard setback area adjacent to the right property line. The district sideyard setback requirement is 19 feet 4 inches and is based upon 10 percent of the building site’s average ultimate net width. The Variance request is to allow the sideyard setback to be reduced to 10 feet minimum from the right property line to allow the addition of a third car stall to the garage. A Use Permit is included because a small portion of the attached garage addition is in excess of the 12-foot maximum height within setback areas.

SURROUNDING LAND USE:

The project site and all surrounding properties are located within a conventionally zoned E4 “Small Estates” District with a 35-foot height limit and are improved by existing single-family residences.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to 1 County Division. The comments are reflected within the proposed conditions of approval.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff.

CEQA COMPLIANCE:

The project has been determined to be Categorically Exempt from the provisions of CEQA. The project has been determined to be a Class 5 Categorical Exemption (CEQA Guidelines Section 15305) for setback variances not resulting in the creation of any new parcels which do not result in any changes in land use or density. A finding of Categorical Exemption has been included within Attachment A of this report.

DISCUSSION/ANALYSIS:

The proposed Variance/Use Permit application is limited to the proposed addition to an existing two-car garage that encroaches 9 feet 4 inches into the sideyard setback area adjacent to the right property line. The district sideyard setback requirement is 19 feet 4 inches and is based upon 10 percent of the building site's average ultimate net width. The Variance request is to allow the sideyard setback to be reduced to 10 feet minimum from the right property line to allow the addition of a third car stall to the garage. A Use Permit is included because a small portion of the attached garage addition is in excess of the 12-foot maximum height within setback areas.

The sideyard setback Variance would facilitate an addition to the existing garage to create a third garage space. The garage addition is proposed be located on the right side of the existing dwelling. The dimensions of the new garage proposed are approximately 40 feet in length and 30 feet wide. Access to the new garage is via an existing driveway and a new eight (8) foot wide single door adjacent to the existing garage. The new garage addition involves an addition to the existing garage to add a third garage space and increase the depth for tandem parking and storage areas. If approved, the setback from the right side property line would be 10 feet. The garage addition proposes a 30-inch eave projection into the aforementioned side setback area. The garage addition may require a grading permit to ensure that the soil compaction is appropriate for the proposed addition. However, the determination cannot be made until a soils report is submitted as a part of the construction documents for the building permit request.

The Use Permit portion of this application is included because a small portion of the attached garage addition is in excess of the 12-foot maximum height within setback areas. The height limit within a setback area is limited to 12 feet. The proposed garage addition involves an overheight portion of the roofline that's maximum height is 16 feet 6 inches. The garage is single story and the roof pitch is designed to match the balance of the dwelling structure. Consequently, approximately 2 feet 6 inches of the garage addition is technically over the height limit of 12 feet within the setback area.

Zoning Code Section 7-9-150.3(e)(2), Variances, states that in order for an approval of a variance to be granted, the following findings must be made:

- A. Special Circumstances. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
- B. No Special Privileges. Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff believes that due to the existing development on the project site, including the orientation of the existing residence, the shape and depth of the lot, and the existence of slopes adjacent to the side property lines, that the proposed building footprint is appropriate for the site. Therefore, staff believes that special circumstances exist at the building site that warrant approval of the variance request.

Other variance requests have been granted in the neighborhood, similar to the requested variance. Three other discretionary applications for alternate setbacks have been granted for garage side setbacks on other surrounding properties. Adjustment A964 (APN-503-271-12), VA77-0170 (APN-503-261-15) and VA90-05150001Z (APN-503-261-12) have been approved for surrounding properties and allowed the respective single story garages to encroach into the district required sideyard setback areas. Hence, this application would not result in the grant of special privileges due to the fact that the proposed project is consistent with other approvals in the neighborhood. Therefore, approval of this variance would not constitute a grant of special privilege.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 00-0001, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

C. M. Shoemaker, Chief
CPSD/Site Planning Section

CB: Folder PA00-0001.ZA

ATTACHMENTS:

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation